

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JOSEPH CORNELIUS, : Case No. 1:13-cv-708
: :
Plaintiff, : Judge Timothy S. Black
: Magistrate Judge Karen L. Litkovitz
vs. : :
: :
THE KROGER COMPANY, *et al.*, : :
: :
Defendants. : :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 17);
(2) GRANTING DEFENDANTS' MOTION TO DISMISS (Doc. 13);
(3) DISMISSING PLAINTIFF'S AMENDED COMPLAINT (Doc. 3); AND
(4) TERMINATING THIS CASE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on November 25, 2014, submitted a Report and Recommendations. (Doc. 17). The Magistrate Judge concluded that Defendants' motion to dismiss should be granted because Plaintiff's claim was barred by a two-year statute of limitations and the doctrine of *res judicata*. No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does

determine that such Report and Recommendations should be and is hereby adopted in its entirety. Accordingly:

1. The Report and Recommendations (Doc. 17) is **ADOPTED**;
2. Defendants' Motion to Dismiss (Doc. 13) is **GRANTED**;
3. Plaintiff's Amended Complaint (Doc. 3) is **DISMISSED**; and
4. This civil action is **TERMINATED**.

IT IS SO ORDERED.

Date: 12/17/14

Timothy S. Black
Timothy S. Black
United States District Judge